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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|------------------------------------|------------------------|
| 10/721,721 | 11/25/2003 | Martin Kappes | 503042-A-01-US (Kappes) | 5762 |
| 47702 7590 04/01/2009 RYAN, MASON & LEWIS, LLP 1300 POST ROAD SUITE 205 FAIRFIELD, CT 06824 | | | EXAMINER BIAGINI, CHRISTOPHER D | |
| | | | ART UNIT 2442 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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| APPLICATION NO./ CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|---------------------------------|-------------|---|---------------------|
| 10721721 (Kappes) | 11/25/2003 | KAPPES ET AL. | 503042-A-01-US |

EXAMINER

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ART UNIT**PAPER**

2442

20090327

DATE MAILED:

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Commissioner for Patents

The Pre-Appeal Brief Request for Review is improper and a conference will not be held (see attached).

Furthermore, the proposed amendment has not been entered. First, no proposed amendments may be filed with a Pre-Appeal Brief Request for Review. Second, the amendment does not comply with 37 CFR 1.121. Claim 9 is labeled "Previously Presented," but a comparison between this amendment and the last entered version of the claims (filed August 7, 2008) shows that the language is different. Third, claim 9 as now presented raises new issues that require further search and consideration.

Note that the period for response to this letter runs from the filing date of the Notice of Appeal.

/Andrew Caldwell/
Supervisory Patent Examiner, Art Unit 2442